

015/02367

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nissim DARVISH, et al.  
Serial Number: 09/914,889  
Filed: January 24, 2002  
For: Blood Glucose Level Control  
Art Unit: 3762  
Examiner: JASTRZAB, Jeffrey R.

RECEIVED

APR 21 2004

OFFICE OF PETITIONS

10 Mail Stop Petitions  
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P.O. Box 1450  
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15 **PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35  
U.S.C. 120 FOR THE BENEFIT OF A PRIOR-FILED APPLICATION**

Sir:

20 Applicants hereby petition the Commissioner to accept an unintentionally delayed  
claim under 35 USC 120 for the benefit of a prior-filed application under the provisions of  
37 CFR 1.78(a)(3).

The petition is accompanied by the following:

- 25
- An amendment to the specification of the present application, including a reference to the prior-filed application as required by 35 USC 120 and 37 CFR 1.78(a)(2).
  - Deposit account authorization for the surcharge set forth in 37 CFR 1.17(t). (See
  - 30 attached transmittal letter)
  - A statement that the entire delay, between the date the claim was due and the date in which it was filed, was unintentional.

Adjusted date: 10/21/2004 AKELLEY  
04/21/2004 MAHME1 00000076 033419 09914889  
01 FC:1454 1330.00 CR

04/20/2004 MAHME1 00000076 033419 09914889  
01 FC:1454 1330.00 DA

**REMARKS**

The present application is a U.S. national phase filing of PCT application No. PCT/IL00/00132, filed March 5, 2000, and claims the benefit under 119(e) of US provisional application 60/123,532, filed March 5, 1999.

5 Applicants hereby petition the commissioner to accept an unintentionally delayed claim for continuation-in-part of US Application No. 09/481,253, filed January 11, 2000, now US patent 6,571,127, which is a continuation of PCT/IL97/00243, filed July 16, 1997.

10 An amendment to the specification of the present application, to include a reference to the 09/481,253 application, is being filed concurrently.

Applicants have originally referred to the 09/481,253 application in the background of the invention, as it was not thought that the present application required a claim for the benefit thereof. However, since the Examiner presented a rejection based on the 09/481,253 application, applicants understand that it will be useful to claim the benefit  
15 from it in the present application.

Applicants hereby state that the entire delay in submitting the claim was unintentional, as the need to submit the claim only became apparent during an interview conducted between applicants' representative and the Examiner on February 24, 2004.

The claim is being submitted together with a response to the interview and an  
20 Office Action dated October 8, 2003.

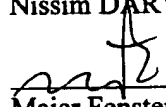
Please see attached transmittal letter for deposit account authorization, for the surcharge set forth in 37 CFR 1.17(t).

Favorable consideration of the petition and issuance of a corrected filing receipt reflecting the complete priority information is respectfully requested.

25

Respectfully submitted,  
Nissim DARVISH, et al.

30

  
Maier Fenster,  
Reg. No. 41,016

April 8, 2004

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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Applicant: Nissim DARVISH, et al.  
Serial No: 09/914,889 Filing Date: January 24, 2002  
For: BLOOD GLUCOSE LEVEL CONTROL  
Enclosures: (1) Transmittal Letter (1 page); (2) Petition To Accept Unintentionally Delayed Claim (2 pages);  
(3) Combined Amendment & Petition For Extension of Time (2 pages); (4) Amendment (8 pages);  
(5) Transmittal of IDS (2 pages); (6) Fourth Supplementary Information Disclosure Statement (2 pages)  
w/IDS Citation (1 page) & two references; (7) Acknowledgement Postcard.

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